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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,603	10/23/2001	Stephen H. Decatur	94.0046	8192

7590 11/01/2007  
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EXAMINER
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BROOKS, MATTHEW L

ART UNIT	PAPER NUMBER
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3629

MAIL DATE	DELIVERY MODE
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11/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/004,603	Applicant(s) DECATUR, STEPHEN H.	
	Examiner Matthew L. Brooks	Art Unit 3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,5,7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Request for Information Under 37 CFR § 1.105*

1. MPEP 704.10 → 37. CFR 1.105. Requirements for information.

(a)

(1) In the course of examining or treating a matter in a pending or abandoned application filed under 35 U.S.C. 111 or 371 (including a reissue application), in a patent, or in a reexamination proceeding, the examiner or other Office employee may require the submission, from individuals identified under § 1.56(c), or any assignee, of such information as may be reasonably necessary to properly examine or treat the matter, Examiner is asking for:

(i) Commercial databases : The existence of any particularly relevant commercial database known to any of the inventors that could be searched for a particular aspect of the invention.

(ii) Search : Whether a search of the prior art was made, and if so, what was searched.

(iii) Related information : A copy of any non-patent literature, published application, or patent (U.S. or foreign), by any of the inventors, that relates to the claimed invention.

(iv) Information used to draft application : A copy of any non-patent literature, published application, or patent (U.S. or foreign) that was used to draft the application.

(v) Information used in invention process : A copy of any non-patent literature, published application, or patent (U.S. or foreign) that was used in the invention process, such as by designing around or providing a solution to accomplish an invention result.

(vi) Improvements : Where the claimed invention is an improvement, identification of what is being improved.

(vii) In Use : Identification of any use of the claimed invention known to any of the inventors at the time the application was filed notwithstanding the date of the use.

(viii) **Technical information known to applicant . Technical information known to applicant concerning the related art, the disclosure, the claimed subject matter, other factual information pertinent to patentability, or concerning the accuracy of the examiner 's stated interpretation of such items.**

1. This is a request that applicants provide the information identified above and below especially where emphasis added. If applicants have this information, then applicants are required, under the provisions of 37 CFR 1.56, to disclose the information to the Office. A copy of 37 CFR 1.56 is enclosed for the convenience of the applicants.

2. Applicants are not required or being asked to conduct a search for information beyond applicants own immediate files and/or knowledge. If applicants do not have immediate knowledge of the information requested, then a statement that the information sought is unknown or not readily available to the applicants will be accepted by the office as a complete reply.

**3. Why the Request for Information is Reasonably Necessary -**

Applicant had claimed the subject matter requested in cancelled claims 3, 6, 8, and 10 and now amended claim language found with in the independent claims. Particularly typical compensation schedules between a prospector and land owner. Applicant has now claimed the language and asserts that this in the novel/non-obvious aspect as to why the claims should be patentable. While it is examiners assertion that this type of compensation schedules were known in industry for years prior to applicants filing of this application.

4. **Information Requested of Applicants:** Are you aware of (1) when you or applicant is viewing seismic data/report or when a landman presents to a buyer OR has Schlumberger been required when dealt with a landman or surveyor in the past, a viewer/buyer of said data is forced to sign confidentiality agreements and or pay more money in order to see survey exploration reports or raw seismic data. Again that is to say, has Applicant in the past been forced to pay money or sign a confidentiality agreement? AND/OR (2) has the Applicant had to agree to an interest owner conditions of restricted use and disclosure of detailed property report/database? AND/OR (3) Is the Applicant aware of any others in industry or publications on or about potential buyers and/or prospectors

having to sign agreements or agree to nondisclosure of data and or relating to restriction of use on property? AND/OR (4) is Applicant or counsel aware that when one wants to protect "proprietary" data that the use of a confidentiality/non-disclosure agreement is well known? AND/OR (5) In the prospecting industry is it common for it is common for prospectors to agree to an interest owners conditions of restricted use? (6) **What were the typical ways that compensation/risk management was achieved between business partners/and or prospectors and land owners** AND/OR (7) Lastly and maybe most importantly;\*\*\* How has the process been manually done; Examiner turns to the 12 page specification and finds that the background is limited; Thus what is the improvement of invention besides merely putting on line what was manually done in the past, like a virtual room as taught in Kwok [0010]-[0020].

All of the above knowledge or publications on or before 16 November 2000? If applicants' answer to anyone of the above 5 questions is "Yes", applicants are required to identify the publication(s)/or requested information and the basis upon which applicants believe that these publications had this capability or teaching on or before 16 November 2000.

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the Drawings are now objected to because the newly amended claim language is not found with in the figs. and must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is *a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains*. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

2. The Abstract does no longer concisely or reflect the now claimed invention. In fact it does not even mention all that Applicant now argues is the novel aspect; that of a "compensation schedule" with at least two options provided on the website.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The newly added claim language is now indefinite. Does the schedule have two options or does a user have two options of compensation? ie; pay down payment then finance the rest and pay over time. OR is two options to deliver payment as claimed; (ie cash or check).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-10** are rejected under 35 U.S.C. 102(e) as being taught and anticipated by Pub. No.: US 2002/0188500 A1 (Kwok et al); Provisional Applications 60/243713 and 60/243712 filed by KWOK which fully support the PG Pub are attached herein.

6. With respect to **Claim 1, 4, 7, 9** (which is used for purpose of demonstration, because Examiner determines the claim to be most comprehensive): Kwok discloses

A method for developing a prospect to recover valuable components on a property of an interest owner, comprising: (see Title):

a. Making available to potential prospecting participants through a computer-based network a first set of property information for the property and interest owner conditions under which a potential prospecting participant will submit a proposal for prospecting the property, the interest owner conditions including a compensation schedule for payment to the participant from the interest owner in response to the participant submitting the proposal to the interest owner, the compensation schedule including at least two options selectable by the participant for delivering payment to the participant from the interest owner, the interest owner conditions further including content requirements for the proposal for prospecting (As to the first set of property info being posted see [0020] "viewing industry data including information relating to (prospect or property); as to the participant/user submitting a proposal for prospecting the property including a compensation schedule see [0042] wherein a potential customer can access the data over the internet, wherein another level



of access may be granted after being granted approval normally after a user has completed a financial transaction [0027], as to a compensation schedule Given the broadest reasonable interpretation of the claims this is clearly anticipated by Kwok. In paragraph [0006] Kwok teaches "Target exploration properties are bought and sold as "prospects" in whole or fractional interests, based upon the rights involved." That sentence alone is sufficient to fall within the metes and bounds of the claims. The compensation can be fractional or whole, thus two options for compensation. Other compensation schedules are seen in [0009] where by both parties involved in the transaction adopt risk sharing strategies including partnerships, pooling, and joint ventures. Even if Kwok did not teach all types of compensation schedules, as it does, it would still teach the broadest reasonable interpretation of at least two.);

b. Receiving by the interest owner through a computer based network from a potential prospecting participant, who has agreed to said interest owner conditions, a proposal for prospecting the property (It is inherent that the prospecting participant has agreed to the interest owner conditions, or otherwise would not have been granted access see [0042] wherein a potential customer can access the data over the internet, wherein another level of access may be granted after being granted approval normally after a user has completed a financial transaction [0027] [0033] and [0043]);

c. Evaluating the proposal for prospecting submitted to the interest owner to determine if it is acceptable to the interest owner ([0033] and [0043] This is also inherent that the interest owner evaluate the proposal and next determine

that it is acceptable; this is exactly how it has always occurred as well see [0012]-[0014]);

d. Awarding rights to prospect the property to such potential prospecting participant if the proposal for prospecting is acceptable to the interest owner ([0033] and [0043] Inherent with Kwok that at the end of day if dealing with a "prospect" that rights to drill; etc. will be awarded);

e. Allowing the participant given the award to access through a computer-based network a second set of property information comprising a detailed property database residing on a computer network controlled by the interest owner to allow such participant to interpret data from the database and prepare an interpretation report identifying at least one specific prospect on the property potentially containing valuable components ([0017] [0033] and [0043], all report preparation can be found in [0072] through [0074]);

f. Submitting the interpretation report to the interest owner for evaluation to determine if the interest owner will pursue the prospect ([0033] and [0043] and [0027] and [0028]);

g. If the interest owner declines to pursue the prospect, awarding such participant a limited time opportunity to obtain other interested parties to pursue such prospect with the interest owner ([0033] and [0043] and [0017]); and

h. Providing any compensation required to the participant during any stage of the above according to the compensation schedule (inherent within Kwok [0009] "These arrangements can take place at almost any stage...").

7. With respect to **Claims 2 and 5**: Kwok discloses

wherein said valuable components comprise gas or oil or combination thereof, said database includes seismic data and the interest owner will pursue the prospect by undertaking a well completion to the prospect ([0005] and [0006]).

### ***Response to Arguments***

1. Applicant's arguments filed 8/22/07 have been fully considered but they are not persuasive.
2. In reply to pg 7, the top of page the drawings are not acceptable in that they fail to show all aspects claimed.
3. In reply to bottom of page 7, Examiner is not satisfied with Applicants reply. Merely because the claims are now cancelled from the App the information is still "reasonably necessary" to properly examine this case. Further Applicant is now asked if aware of compensation schedules used in prospecting industry before filing of this application. That is to say the compensation options shown on pages 10-12 of specification is Applicant claiming to be the inventor of these options? Or were these options that were readily available and/or known and used to persons of ordinary skill in industry. And don't worry it is not an "unnecessary burden" on Examiner.
4. In reply to the 102 arguments beginning on pg 8; Examiner will use the test proper that Applicant has asserted that a claim is anticipated if each and every element as set forth in the claim is found expressly or *inherently* [emphasis added]. What is inherent within Kwok is that when two persons in industry get together to form a business venture such as a partnership and adopt risk sharing

strategies as taught in [0009], that the parties would have many options of compensation schedules while adopting risk-sharing strategies and of course money would be going from one party to another. To assert anything different is almost preposterous.

5. In reply to pg 9, top of page Applicant has misinterpreted, Examiner has never asserted that a compensation schedule is equivalent to a prospect.

6. All arguments from prior actions are herein incorporated by reference.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

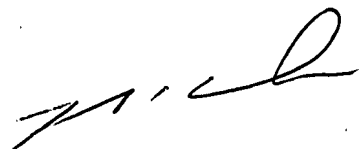
Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MLB  
10/29/2007



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